

EXHIBIT A



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January 31, 2022

VIA ELECTRONIC TRANSMISSION

Stuart Davidson
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Re: *In re: Google Digital Advertising Antitrust Litigation*, 1:21-md-03010 (PKC)

Dear Stuart:

I write in response to your email dated January 27, 2022 to my colleague, Vadim Egoul, concerning Google's January 20 document production pursuant to the Court's Orders. Those Orders required Google to produce "those documents that Google has previously produced to the State of Texas and to certain class plaintiffs," ECF No. 129, and "produce to all plaintiffs in the MDL the documents previously produced to any of the state plaintiffs in their digital advertising investigations," ECF No. 168.

Google has now done so. In addition to the approximately 152,000 documents produced to the State of Texas in response to its September 2019 Civil Investigative Demand concerning ad tech (the "Texas Ad Tech CID"),¹ Google's production also contains documents produced to the United States Department of Justice ("DOJ") and previously made available to the State Plaintiffs which are potentially related to ad tech.

¹ The Texas Ad Tech CID comprised 104 Requests For Documents, all related to ad tech issues. Google subsequently produced this same set of documents responsive to the Texas Ad Tech CID to DOJ. These documents are included in Google's production (bearing GOOG-TEX Bates numbers), but we did not include the duplicate set bearing DOJ Bates numbers.

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The reason for the purported “discrepancy” noted in your email is that not all of the approximately 2 million documents referenced at the September hearing were produced to the State Plaintiffs “in their digital advertising investigations.” That figure includes documents made available to Texas and other states who were, at the time, pursuing a multi-pronged investigation into “online advertising, online search, and mobile operating systems” and coordinating with DOJ’s own multifaceted investigation. Google understands the spirit of the Court’s Orders to be to put the Private Plaintiffs on equal footing with the State Plaintiffs with respect to the subject matter of this case, *i.e.*, digital advertising technology. Google therefore reviewed the DOJ production to identify and produce documents that concern (or potentially concern) ad tech.

To capture additional documents potentially related to ad tech within the multifarious DOJ production, Google did the following:

(1) **Volumes related exclusively to ad tech issues.** Google identified production volumes that comprised all or mostly all ad tech related documents and produced all documents in these volumes to Private Plaintiffs.

(2) **Volumes related exclusively to non-ad tech issues.** Google identified certain irrelevant production volumes, for example, documents produced as part of the European Commission’s Android and Search investigations. Google excluded these documents from the production to Private Plaintiffs.

(3) **Mixed volumes related to both ad tech and non-ad tech issues.** For the remaining volumes, Google reviewed documents for material that is potentially related to ad tech and included such documents in its production to Private Plaintiffs. The methodology used to identify the documents in these mixed volumes is described below.

Mixed volumes included both custodial and non-custodial volumes. Google produced the ad tech related documents from the mixed non-custodial volumes. For the mixed custodial volumes, Google identified ad tech documents using the same custodians and search terms agreed to with DOJ. Google identified and excluded the search strings that related exclusively to non-ad tech issues, and considered the remainder to be potentially ad tech related. These potentially ad tech related search term strings were run across all of the mixed custodial volumes, and Google included all resulting documents in its production to Private Plaintiffs.

Additionally, out of an abundance of caution, Google identified custodians whose responsibilities focused on ad tech, and for those custodians, Google produced all of their custodial documents in the mixed volumes (regardless of the search string hits).

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Sincerely,

/s/ Justina K. Sessions

Justina K. Sessions

Counsel for Defendants

Google LLC, Alphabet Inc., and YouTube, LLC

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